

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

930 ANTICIPATORY BAIL APPLICATION NO.1424 OF 2021

1) Naser Sattar Shaikh, 2) Nisar Shaikh Sattar, 3) Shaikh Irfan Shaikh Usman	...Applicants
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VERSUS

The State of Maharashtra	...Respondent
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Mr. Asif I.Siddiqui, Counsel for applicants Mr. A.S.Shinde, APP for respondent-State	
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CORAM : PRAKASH D. NAIK, J.

DATE : 14th DECEMBER, 2021

PER COURT:

1] The applicants are apprehending arrest in Crime No.0692 of 2021 registered with CIDCO Police Station, Aurangabad, Dist.Aurangabad for the offences punishable under Sections 353, 332 and 323 read with 34 of Indian Penal Code (for short, 'IPC').

2] The prosecution case is that the accused were involved in assaulting the complainant, who is the public servant and obstructed him while discharging duty. The father of the applicants is named in the First Information Report (for short, 'FIR') and there is reference to unknown persons, having assaulted him at the instance of accused No.1 Sattar.

3] Learned counsel for applicants submitted that the father of applicant who is named in the FIR has been granted anticipatory bail by

the Court of Sessions. The applicants are falsely implicated in this case. The complainant was not discharging his duty on the date of the incident and hence, Section 353 of IPC would not be attracted. Reliance is placed on RTI reply with reference to the duty of the complainant. In the newspaper, it was reported that the complainant is assaulted by about 8-9 persons, who were drug addicts.

4] Learned APP submitted that the complainant had suffered injuries. The applicants are unknown persons referred in the FIR. If the applicants were not involved, there was no reason for them to apply for anticipatory bail. Medical evidence supports version of injured.

5] Learned Advocate for the applicants further submitted that applicants were constrained to apply for anticipatory bail since police were trying to apprehend them since they were sons of Sattar, who was named in the FIR.

6] The father of the applicants has been named in the FIR. It is alleged that at his instance, the unknown persons had assaulted the complainant. The applicants' father is granted anticipatory bail by the Court of Sessions. The name of the father of the complainant is mentioned in FIR but surprisingly, the other persons were reported to be unknown persons. The applicants are sons of accused No.1. The applicants are sons of accused No.1.

7] Considering the aforesaid aspects, the applicants need not be subjected to custodial interrogation. Hence, I pass the following order.

ORDER

- (i) Anticipatory Bail Application No.1424 of 2021 is allowed.
- (ii) In the event of arrest of applicants in connection with Crime No.0692 of 2021 registered with CIDCO Police Station, Aurangabad Dist.Aurangabad, the applicants be released on bail on executing PR.Bond in the sum of Rs.20,000/- each, with one or two sureties in the like amount.
- (iii) Applicants shall report Investigating Officer on 21st, 22nd and 23rd December 2021 at 11.00 am to 01.00 pm and thereafter, as and when called for, till filing of charge-sheet.
- (iv) Application stands disposed of.

(PRAKASH D. NAIK, J.)